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May 11, 2010

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a pursuit of County position on legislation to revise the administration and licensing by the Department of Motor of Vehicles of traffic violator schools; updates on four County-advocacy measures related to: 1) investment activities in the energy sector in Iran; 2) presumption of work-related injuries to hospital employees; 3) civil actions for offenses committed against homeless persons; and 4) redevelopment project extensions; and information on County-interest legislation related to redevelopment of property within a public housing project in the City of Los Angeles.

Pursuit of County Position on Legislation

AB 2499 (Portantino), which as amended on March 25, 2010, would revise the administration and licensing by the Department of Motor of Vehicles (DMV) of traffic violator schools and would preclude a court from contracting with a public or private nonprofit agency for services which duplicate those conducted by the DMV. The bill also would: 1) repeal provisions governing the monitoring of these schools by a Court Assistance Program (CAP); 2) prevent a CAP from publishing a referral list of traffic schools; and 3) eliminate CAP monitoring procedures and reports.

Existing law authorizes a court to order or permit a person cited for certain traffic violations to attend a licensed traffic violator school and requires a court to make available the current list of traffic violator schools. Existing law also authorizes a court

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to use a CAP to perform services to process and monitor traffic violators and traffic violator schools and establishes requirements for the program. A CAP is defined as a public or private nonprofit agency that provides services under contract with a court to process traffic violators.

The Community Development Commission (CDC) administers the Traffic Violator School Monitoring Program (TVSM) on behalf of the Los Angeles Superior Court (Court). The TVSM monitors DMV-licensed classroom based traffic schools, publishes a list of traffic violator schools, both via the Internet and in printed format, and reviews and approves home study traffic schools using criteria mandated and approved by the Court. The program has been effective in ensuring that traffic schools operate in compliance with all applicable codes and regulations.

The Community Development Commission indicates that AB 2499 would eliminate the TVSM by preventing the Court from contracting for services that duplicate those conducted by the DMV and would eliminate the Court-administered local traffic school listing published by the TVSM. The DMV would be responsible for monitoring home study traffic schools as well as classroom-type traffic schools; however, according to the CDC, DMV-administered traffic violator school monitoring is less active and less comprehensive than the TVSM. The CDC indicates that the elimination of the TVSM would result in the loss of 14 full-time positions and four part-time positions. The total annual salary for these positions is \$796,955.

The Community Development Commission also indicates the TVSM partners with the Sheriff's Department to minimize fraud that may occur at traffic schools. AB 2499 would eliminate the TVSM Fraud Prevention Program, which has proven to be effective in curtailing both administrative violations and criminal activity by providing active law enforcement to the monitoring of traffic violator schools. The DMV does not currently have any such partnerships with law enforcement, and AB 2499 does not provide for the establishment of such partnership. The Sheriff's Department indicates that it has a contract to conduct undercover investigations and the current TVSM structure is more effective than it would be under the DMV.

The Community Development Commission, the Sheriff's Department and this office oppose AB 2499 unless amended to: 1) retain a court's option to use a statewide referral list published by a nonprofit agency that is distributed by the court; 2) maintain monitoring procedures and reports for a court assistance program; and 3) delete the bill language which would prevent a court from contracting with a nonprofit agency for reporting and monitoring services. Therefore, consistent with existing Board policy to oppose legislation that would limit the court assistance program authority and funding of nonprofit agencies that administer and monitor traffic violator schools and home study

schools on behalf of the Los Angeles Superior Court, **the Sacramento advocates will oppose AB 2499 unless amended as indicated above.**

The measure is sponsored by the author and supported by the Judicial Council of California, National Association of Driving Safety Educators, and TrafficSchool.com. The bill is opposed by California Traffic Classes, Inc., California Traffic Safety Institute, Cheap School, Educational Safety Institute Inc., Facil Divertido y a Su Alcance TVS, Fun 4U Fast 2 Traffic School, Highway Blues, Inc., Interactive Safety Education, Inc., Simple Fast Fun TVS, Traffic Safety Center, Inc., and Universal E-Com. AB 2499 was placed on the Assembly Appropriations Committee suspense file on April 28, 2010.

Status of County-Advocacy Legislation

County-supported AB 1650 (Feuer), which as amended on April 27, 2010, would prohibit the State of California and its subdivisions from contracting with persons who have investment activities in the Iran energy sector, was placed on the Assembly Appropriations Committee suspense file on May 5, 2010.

County-opposed AB 1994 (Skinner), which as amended on March 23, 2010, would extend the presumption of work-related injuries to hospital workers, was placed on the Assembly Appropriations Committee suspense file on May 5, 2010.

County-supported AB 2706 (Lowenthal), which amended on April 20, 2010, would: 1) provide that the protections and remedies of the Ralph Civil Rights Act include violence or intimidation by threat of violence committed against a person or property because the person is or is perceived to be homeless; and 2) define a homeless person to mean a person who does not have a fixed, regular, and adequate nighttime residence, or a person who has a nighttime residence such as a supervised, publicly or privately operated shelter designated to provide temporary living accommodations, passed the Assembly Floor on May 6, 2010 by a vote of 48 to 24. This measure now proceeds to the Senate.

County-opposed SB 1112 (Oropeza), which would allow a 10-year extension of a redevelopment project area that is at least 25 percent a brownfield site, was amended on April 26, 2010. The amendments would: 1) use provisions of the Polanco Redevelopment Act of 1990 (Chapter 1113, Statutes of 1990) to define a brownfield site; and 2) limit the provisions of the bill to apply only to the area within the original boundary of Project Area No. 1 of the Carson Redevelopment Agency. The amendments also state that the Legislature finds and declares the need for the special law because of the unique circumstances pertaining to Project Area No. 1 of the Carson Redevelopment Agency.

The Polanco Redevelopment Act of 1990 was enacted to assist redevelopment agencies in responding to brownfield sites and prescribes processes for agencies to follow when cleaning up a hazardous substance from property within a redevelopment project area.

County Counsel indicates the bill still would allow a 10-year extension of a redevelopment project area and would effectively create an exemption for the City of Carson from existing redevelopment law on Low and Moderate Housing requirements. The CDC indicates the bill would no longer apply to brownfield redevelopment projects statewide, and instead, would only apply to the oldest portion of one redevelopment project in the City of Carson. According to the CDC, the bill would have no direct impact on the department.

County Counsel and this office recommend that the County continue to oppose SB 1112, based on existing Board policy to oppose proposals legislation that would cause the County to lose revenues, limit or repeal provisions of the Community Redevelopment Reform Act of 1993 (AB 1290), or allow agencies to extend the life of projects beyond the statutory time frames established in AB 1290. Therefore, **the Sacramento advocates will continue to oppose SB 1112.**

This measure is set for a hearing in Senate Appropriations Committee on May 17, 2010.

Legislation of County-Interest

AB 1641 (Hall), as amended on April 5, 2010, would revise the term redevelopment to include the redevelopment of any property within a public housing project in the City of Los Angeles that is owned by the Housing Authority of the City of Los Angeles (HACLA), and consists primarily of buildings constructed prior to January 1, 1960. The bill would also establish that the housing project, by statutory definition, is blighted.

AB 1641 would define the redevelopment of public housing as the removal or rehabilitation and replacement of existing public housing project buildings with master-planned, mixed-income and mixed-use that do the following: 1) include the replacement, on at least a one-to-one basis, of existing public housing units with publicly or privately owned dwelling units either inside or outside the project area; 2) may include the development of additional privately owned housing units; and 3) may include workforce market-rate housing units, retail services, commercial, industrial, educational, recreational and other uses. This bill also would state that the Legislature finds and declares the need for special law because of the unique circumstances pertaining to the City of Los Angeles.

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AB 1641 broadly defines the term redevelopment to include the redevelopment of any property within a public housing project in the City of Los Angeles that is owned by HACLA. The Housing Authority of the City of Los Angeles owns and manages 14 large public housing developments, consisting of more than 6,500 affordable housing units throughout the City of Los Angeles, which may qualify under the definition of redevelopment of public housing, as proposed by AB 1641. This office is working with County Counsel to analyze this bill.

AB 1641 is sponsored by the City of Los Angeles. The measure is opposed unless amended by the California Rural Legal Assistance Foundation and Western Center on Law and Poverty. AB 1641 passed the Assembly Housing and Community Development Committee with amendments on May 5, 2010 by a vote of 6 to 3. The amendments are not available at this time. The measure now proceeds to the Assembly Floor.

We will continue to keep you advised.

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MR:VE:LY:sb

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